

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, FEBRUARY 26, 2004
8:15 A.M.**

Commissioners Present: Ray Stevens, Chair
Larry Hudkins, Vice Chair
Bernie Heier
Bob Workman
Deb Schorr

Others Present: Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer
Kristy Mundt, Deputy County Attorney
Bruce Medcalf, County Clerk
Trish Owen, Chief Deputy County Clerk
Ann Taylor, County Clerk's Office

The Chair opened the meeting at 8:18 a.m.

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
FEBRUARY 19, 2004**

Stevens asked that Item 10B be corrected to reflect that Schorr is Chair, rather than Vice Chair, of the City-County Common.

MOTION: Heier moved and Hudkins seconded approval of the Staff Meeting minutes of February 19, 2004, with that correction. Workman, Stevens, Heier and Hudkins voted aye. Schorr was absent from voting. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Report on Wilderness Park Advisory Committee
- B. Evaluation of the Educational Unit at the Lancaster County Juvenile Detention Center
- C. Meeting with Alan Latta, LTS Security Engineers, Regarding Corrections Security System

MOTION: Hudkins moved and Heier seconded approval of the additions to the agenda. Hudkins, Heier, Stevens and Workman voted aye. Schorr was absent from voting. Motion carried.

3 COMMISSIONER MEETING REPORTS

- A. Monthly Meeting of County Board Chair, Vice Chair and Mayor - Stevens, Hudkins

Hudkins said the issue of payment of medical expenses for inmates injured during apprehension by the Lincoln Police Department was discussed.

Stevens said the County has proposed the following addendum to the interlocal agreement :

The parties agree that the County shall not be responsible for payment of medical expenses which are covered under statute. Specifically, the County shall not be responsible for medical services necessitated by injuries or wounds suffered during the course of apprehension.

- B. Monthly Meeting of Public Building Commission (PBC) Chair, Vice Chair and Mayor - Hudkins

Hudkins said the Lincoln-Lancaster County Health Department expansion project was discussed. He said the Mayor would like to see consolidation of offices in the County-City Building and particularly wants the Personnel Department's offices located together.

- C. Public Building Commission - Hudkins, Workman

Workman said security measures for the parking area underneath the County-City Building were discussed.

- D. Lincoln-Lancaster County Ecological Advisory Committee (EAC) Planning Retreat - Heier

No report.

- E. Families First & Foremost (F³) Conveners - Schorr

Schorr said the group will be restructured to include providers and youth.

- F. Lincoln Independent Business Association (LIBA) Monthly Meeting - Stevens, Schorr

Schorr said the meeting was routine in nature.

- G. Downtown Lincoln Association (DLA) Board - Stevens

Stevens said the DLA Board voted to oppose the City's proposed "living wage" ordinance.

- H. Community Mental Health Center (CMHC) Advisory Committee - Stevens

Stevens said the Peer Program was discussed.

- 4 LEGISLATIVE UPDATE** - Gordon Kissel, Legislative Consultant; Amy Prenda, Director of Legal Research and Analysis for Kissel/E&S Associates

Gordon Kissel, Legislative Consultant, presented a legislative update (Exhibit A).

- 5 NOTICE OF CLAIM** - Mike Thew, Chief Deputy County Attorney

Mike Thew, Chief Deputy County Attorney, said Tom Lamb, a local attorney, has petitioned County Court to receive attorney's fees for a guardianship case in which the court appointed him to represent the parents' interests. He said the Supreme Court held, in a similar case, that the court lacked authority to appoint representation for the parents, as parental rights were not being terminated. Thew said he has recommended that Lamb withdraw his motion for fees and submit the claim to the Board, removing it from the judicial process. He encouraged the Board to pay the \$2,600 claim, as Lamb performed the work and billed substantially less than his usual rate.

- 6 SINGLE POINT OF ENTRY FOR EMERGENCY PROTECTIVE CUSTODY (EPC)** - Dean Settle, Community Mental Health Center Director; Scott Etherton, Crisis Center Program Manager; Jim Baird, Cornhusker Place Director; Patti Schumann, Cornhusker Place Assistant Director; C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program; Mike Thew, Chief Deputy County Attorney; Terry Wagner, Lancaster County Sheriff

Scott Etherton, Crisis Center Program Manager; Jim Baird, Cornhusker Place Director; and C. J. Johnson, Program Administrator for the Region V Mental Health, Alcoholism & Drug Abuse Program, gave an overview of Proposal for a Single Point of Entry and Tracking Program to Manage EPC's in Lancaster County and Region V (Exhibit B).

Baird said renovations at Cornhusker Place have increased the availability of beds and the ability to separate individuals, based upon need.

Johnson said Region V currently contracts with Cornhusker Place for respite beds and pays an additional fee for post commitment days (\$110 per day). He said he believes Lancaster County should be billed the same rate for EPC's at Cornhusker Place and said the cost should be considerably less the \$650 per day Bryan/LGH West charges for post commitment days.

Mike Thew, Chief Deputy County Attorney, said this is only a first step and said the Board needs to begin planning for a secure facility to hold mentally ill individuals.

Johnson said the Lincoln Regional Center (LRC) will provide acute secure beds under LB 1083 (Adopt the Nebraska Behavioral Health Services Act), noting funds would flow through the regions.

Dean Settle, Community Mental Health Center Director, said the project is ready to pilot, noting a proposed annual budget of \$121,572 (see Exhibit B). He said this will require an additional appropriation and an increase in staff positions.

The Board asked that: 1) A contract be prepared for consideration at a Board of Commissioners Meeting; and 2) Diane Carlson, Deputy County Attorney, check whether Health Insurance Portability & Accountability Act (HIPAA) requirements are met.

7 PERSONNEL POLICY BOARD APPOINTMENT BY EMPLOYEE ADVISORY TEAM (EAT) - Don Taute, Personnel Director; Pat Kant, Personnel Coordinator; Diane Carlson, Deputy County Attorney; Judy Foote, Employee Advisory Team (EAT) Chair

Don Taute, Personnel Director, said the American Federation of State, County & Municipal Employees (AFSCME) has taken issue with the process used to elect a classified employee representative to the Personnel Policy Board to fill an expired term (Employee Advisory Team (EAT) solicited nominations and elected a representative after the deadline for AFSCME and the Fraternal Order of Police (FOP) to indicate whether they would be willing to assist with the cost of a ballot for all classified employees expired).

Taute asked whether the County would be willing to share in this cost (The cost is estimated at \$229 for envelopes, ballots and mailing. The bid price is \$94). He said Dave Shively, Election Commissioner, has agreed to coordinate the election process.

Diane Carlson, Deputy County Attorney, said Shively will probably have some costs, as well.

Board consensus was to fund the cost.

Schorr and Hudkins exited the meeting at 10 a.m.

8 YOUTH ASSESSMENT CENTER (YAC) UPDATE - Michelle Schindler, Youth Assessment Center (YAC) Interim Director

Michelle Schindler, Youth Assessment Center (YAC) Interim Director, presented Lancaster County Youth Assessment Center Monthly Report, January 1, 2004 - February 1, 2004 (Exhibit C) and said the runaway population issues are being worked through. She said she is working with Renee' Dozier, Families First & Foremost (F³) Associate Director, on referrals to wraparound programs and with Child Guidance on development of a case management component.

Schorr returned to the meeting at 10:07 a.m.

Schindler said a number of youth have a history of running away and said Staff Secure may be one solution. She said she and Dennis Banks, Lancaster County Juvenile Detention Center Director, would like to discuss this matter further with the Board.

Hudkins returned to the meeting at 10:15 a.m.

Schindler also disseminated the following: 1) Lancaster County Juvenile Assessment Center Mission and Goals; and 2) Lancaster County Comprehensive Juvenile Services Plan Strategic Planning 2003-2006 (Exhibit D & E). She suggested convening a community meeting to prioritize goals for YAC and asked for the Board's involvement.

The Board asked Schindler to draft a letter for the Board's endorsement.

9 SCANNERS - Sue Kirkland, Clerk of the District Court; Linda Sanchez-Masi, Chief Deputy Clerk of the District Court; Brian Pillard, Records & Information Manager

Sue Kirkland, Clerk of the District Court, requested authorization to purchase scanner equipment for the Judicial Users System to Improve Court Efficiency (JUSTICE) Project. She estimated the cost of \$5,800 to \$6,000 and said an additional appropriation is needed.

MOTION: Hudkins moved and Workman seconded to: 1) Authorize the Clerk of the District Court to proceed with the project ,in conjunction with the Purchasing Department; and 2) Direct Dave Kroeker, Budget and Fiscal Officer, to determine the appropriate funding source. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

Kirkland also stated that she has imposed a deadline of May 1, 2004 for completion of the project to resolve accounting discrepancies.

10 OLD ATTENTION CENTER LEASE TO CENTERPOINTE - Don Killeen, County Property Manager; Topher Hansen, CenterPointe Director; Dean Settle, Community Mental Health Center Director

Topher Hansen, CenterPointe Director, noted CenterPointe's plans to develop property at 26th & P Streets and said that project is integrally linked with plans to locate a youth component and evening reporting center in the former Attention Center for Youth Building, 2220 South 10th Street. He said Dave Wood, David Wood Construction, Inc., has examined the building and recommends demolition of the interior core, with reconstruction to suit CenterPointe's needs and a wider range of uses in the future.

Don Killeen, County Property Manager, added that there isn't any way to avoid demolition of the inner structure (the interior concrete walls support the concrete ceiling).

Hansen said CenterPointe is interested in occupying the building for at least ten years out, with a renewal option.

Hudkins noted a preliminary estimate of \$300,000 for the refurbishing and said that figure does not include window replacement.

Hansen said egress (enlargement of the windows) was the primary consideration and said Building and Safety has "signed off" on the window size.

Hudkins said ventilation under the window units is also a concern.

Workman asked how the County will be repaid for renovations to the facility.

Killeen said payment would be amortized over ten years, as part of the rent factor.

Heier noted earlier discussion of the need for a secure facility to hold mentally ill individuals (see Item 6) and questioned whether the County will have a need for the building.

Dean Settle, Community Mental Health Center Director, said the Region V is looking at residential options at various levels of acuity response as part of its planning effort, but said he is not sure this facility would fit.

Hudkins asked how CenterPointe plans to fund the lease.

Hansen said the new facilities will fit within the current budget.

Hudkins noted that a significant portion of CenterPointe's funding comes through Region V and questioned whether CenterPointe would be required to include an escape clause in the lease in case there isn't an appropriation from the State.

Board consensus was to have the contractor fine-tune costs and to have the County Attorney research how to make the lease as strong as possible.

11 COMMUNITY EMERGENCY RESPONSE TRAINING (CERT) GRANT -
Doug Ahlberg, Emergency Management Director; Kristy Mundt, Deputy
County Attorney

Doug Ahlberg, Emergency Management Director, said his department took over Community Emergency Response Training (CERT) responsibilities for Nebraska two years ago and entered into a contract with Reynolds Davis to administer the program. He said there has been an unusual amount of oversight from the State with accusations of overpayments and double billings, which he said are unfounded. Ahlberg said the State plans to take back administration of the program in Fiscal Year 2004-05.

Kristy Mundt, Deputy County Attorney, said Davis' contract was amended in September, 2003, increasing his compensation to take into account the 2003 grant. She said that amount was incorrect as it did not take the entire 17 months into account. A new amendment will be drafted.

Mundt said she and Kerry Eagan, Chief Administrative Officer, will be meeting with a representative of Nebraska Emergency Management Agency (NEMA) later in the day to address specific concerns.

**12 COUNTY SPECIAL PERMIT NO. 205 (RECREATIONAL FACILITY AT
SOUTHWEST 84TH AND KOLBROOK) -** Kristy Mundt, Deputy County
Attorney; Mike DeKalb, Deputy County Attorney

Kristy Mundt, Deputy County Attorney, presented a draft resolution in the matter of County Special Permit 205, requested by Dr. David Samani, for authority to construct and operate a recreational facility for an off-road riding club, on property generally located at the northwest corner of Southwest 84th Street and Kolbrook Road (Exhibit F). She also presented a draft proposal submitted by Kent Seacrest, an attorney representing 103 landowners in opposition (Exhibit G).

Extensive discussion took place regarding general conditions.

- MOTION:** Schorr moved and Hudkins seconded to direct the County Attorney's Office to:
- Make the following revisions to General Conditions in the resolution:
1. Add the following language: *renewable by the County Board after a public hearing.*
 - 2.c) Revise the second sentence to read: *Hours of operation on race days may commence no earlier than 10:00 a.m.*
 - 2.d) Add the following language: *except during actual races on race days.*
 - 2.g) Add the following sentence: *On such race days the sound shall be only for address purposes, not for music or advertising purposes.*
 - 2.h) Add the following language: *as per Health Department regulations.*
 - 2.q) Add the following sentence: *No more than ___ number of licensed vehicles on the property at one time.*
- Add the following General Conditions in the resolution:
- *No American Motorcycle Association (AMA) sanctioned events.*
 - *Notify the County Board and Building and Safety of race days.*

Heier stated for the record that he will be voting against the resolution at the March 9, 2004 Board of Commissioners Meeting.

ROLL CALL: Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

MOTION: Schorr moved and Heier seconded to revise General Condition 2.c) to add the following sentence: *Of the four race days, only one can be on a federal holiday.* Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

MOTION: Hudkins moved and Schorr seconded to revise General Condition 2.e) to eliminate the following language: *or built after approval of this permit.* Hudkins, Schorr, Heier and Workman voted aye. Stevens voted no. Motion carried.

Hudkins requested additional information from the Nebraska Game and Parks Commission regarding the nesting period for prairie chickens and whether noise will have a significant impact.

MOTION: Workman moved and Hudkins seconded to notify the Audubon Spring Creek Prairie of scheduled race events in a timely manner. Workman, Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

The Board authorized Mundt to send copies of the draft resolution to Mark Hunzeker, the attorney representing the applicant; Kent Seacrest, the attorney representing 103 landowners in opposition; and the Audubon Society.

Also present were: Mark Hunzeker, the attorney representing the applicant; Kent Seacrest, the attorney representing 103 landowners in opposition; Marian Langan, Director of the Audubon Spring Creek Prairie; Arnold Mendenhall, Habitat Manager at the Audubon Spring Creek Prairie; Don Helmuth, Vice President of the National Audubon Society; John Muir, 8101 West Mountain Ash Drive; Ryan Renz, 8200 West Mountain Ash Drive; Martha Hall, 8301 West Mountain Ash Drive; Carolyn Ducey, 105 Southwest 70th Street; and David and Cindy Cochran, 9500 Southwest 84th Street.

13 ACTION ITEMS

A. Attendance by Doug Ahlberg, Emergency Management Director, at Association of Emergency Management Conference (April 16-18, 2004)

MOTION: Heier moved and Workman seconded approval. Workman, Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

B. Membership for Kerry Eagan, Chief Administrative Officer, in Association of Emergency Management

MOTION: Workman moved and Heier seconded approval. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

14 ADMINISTRATIVE OFFICER REPORT

A. National Association of County Officials (NACo) Membership

Board consensus was to not join at this time.

B. Comprehensive Plan Amendment No. 03007 (County Impact Fees)

Eagan said the Planning Commission will hold a public hearing on March 3, 2004.

C. County Representatives for Vision Request for Proposals (RFP) Committee

Board consensus was to appoint Gwen Thorpe, Deputy Chief Administrative Officer, to the committee and to ask either Diane Carlson or Kristy Mundt, Deputy County Attorneys, to serve as the Board's second representative.

D. Legislative Behavioral Health Oversight Commission

Stevens offered the following names: Dean Settle, Community Mental Health Center Director; Topher Hansen, CenterPointe Director; Robin Mahoney, United Way of Lincoln-Lancaster County; and Deb Shoemaker, Lincoln Foundation.

The Board was to seek a recommendation from Settle and ask whether he is interested in serving.

E. Pension Update

Eagan gave a brief update on the Pension Plan, noting concerns regarding the asset value distribution clause and quarterly adjustment of the rate.

Board consensus was to ask Nationwide Retirement Solutions to provide an explanation and to seek recommendation from the Pension Review Committee.

F. Use of County Logos in Lincoln Electric System (LES) Power Purchase Program (Exhibit H)

MOTION: Workman moved and Schorr seconded approval. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

The Board suggested revision of the logo for the County Youth Service Facilities.

G. Drug Court Work Session

The Board scheduled discussion on the March 4, 2004 Staff Meeting agenda.

ADDITIONS TO THE AGENDA

- D. Notice from Nebraska Liquor Control Commission of an Order to Show Cause Regarding an Application for a Class F (Beer On Sale Only) Liquor License for Gas N Shop, Inc. d/b/a/Gas 'N Shop #41 (Exhibit I)
- E. Microcomputer Request C#2004-077, \$3,014.34, from the Jail Diversion Grant for Two (2) HP EVO Pentium IV's, Two (2) Compaq Monitors and Software for the Community Mental Health (Exhibit J)
- F. Hiring Requests (Exhibit K):
 - 1. County Engineer - Engineering Technician I
 - 2. Community Mental Health Center - Mental Health Clinician (Temporary Position)

MOTION: Hudkins moved and Workman seconded to add those items to the agenda. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

ADDITIONS TO THE AGENDA

- A. Report on Wilderness Park Advisory Committee

Stevens said discussion focused on reseeding of five acres that were clear-cut.

- B. Evaluation of the Educational Unit at the Lancaster County Juvenile Detention Center

Heier said the Board has been invited to participate in the evaluation.

- C. Meeting with Alan Latta, LTS Security Engineers, Regarding Corrections Security System

Workman said the new security system will cost in excess of \$800,000. He said non-essential items (card access at doors, replacement of existing video cameras and monitors and electric locks on fire doors) will be bid as optional add-ons.

- D. Notice from Nebraska Liquor Control Commission of an Order to Show Cause Regarding an Application for a Class F (Beer On Sale Only) Liquor License for Gas N Shop, Inc. d/b/a/Gas 'N Shop #41 (Exhibit I)

Eagan will represent the Board at the hearing.

Stevens also indicated plans to attend.

- E. Microcomputer Request C#2004-077, \$3,014.34, from the Jail Diversion Grant for Two (2) HP EVO Pentium IV's, Two (2) Compaq Monitors and Software for the Community Mental Health (Exhibit J)

MOTION: Hudkins moved and Schorr seconded approval. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

- F. Hiring Requests (Exhibit K):
 - 1. County Engineer - Engineering Technician I
 - 2. Community Mental Health Center - Mental Health Clinician (Temporary Position)

MOTION: Schorr moved and Workman seconded approval. Workman, Stevens, Heier, Schorr and Hudkins voted aye. Motion carried.

15 ADJOURNMENT

MOTION: Hudkins moved and Schorr seconded to adjourn the meeting at 1:08 p.m. Hudkins, Schorr, Heier, Stevens and Workman voted aye. Motion carried.

Bruce Medcalf
Lancaster County Clerk